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Washington, DC 20536



U.S. Citizenship  
and Immigration  
Services

FILE: WAC 02 172 51305 Office: CALIFORNIA SERVICE CENTER Date: **MAR 31 2004**

IN RE: Petitioner:  
Beneficiary:

PETITION: Immigrant Petition for Alien Worker as an Outstanding Professor or Researcher pursuant to  
Section 203(b)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(1)(B)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

*Mari Johnson*  
for Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The employment-based immigrant visa petition was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner designs, develops, manufactures and sells internetworking systems. It seeks to classify the beneficiary as an outstanding researcher pursuant to section 203(b)(1)(B) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(B). The petitioner seeks to employ the beneficiary permanently in the United States as director of software development. The director determined that the petitioner had not established that the beneficiary's duties consist primarily of qualifying research activities.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, "[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

The statement on the appeal form reads "[w]e are in the process of gathering additional information from the Petitioner to adequately respond to the appeal." On the Form I-290B Notice of Appeal, filed on April 28, 2003, counsel indicated that this information would be forthcoming within 45 days. Regulations at 8 C.F.R. § 103.3(a)(2)(vii) require a petitioner to show good cause when requesting an extension. To date, over ten months after the filing of the appeal, careful review of the record reveals no subsequent submission; all other documentation in the record predates the issuance of the notice of decision.

The appeal statement consists solely of a request for an additional 45 days (which have now long since elapsed). Counsel makes no specific allegation of error. Inasmuch as counsel has failed to identify specifically an erroneous conclusion of law or a statement of fact as a basis for the appeal, the regulations mandate the summary dismissal of the appeal.

**ORDER:** The appeal is dismissed.